

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**CHILDREN'S LEGAL
SERVICES P.L.L.C,**

Plaintiff,

CIVIL ACTION NO. 07-CV-10255

VS.

DISTRICT JUDGE AVERN COHN

SIMON KRESCH, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

**ORDER CLARIFYING THE COURT'S NOVEMBER 16, 2007 ORDER
(DOCKET NO. 66) AND DENYING DEFENDANTS' REQUEST TO MODIFY
THE SAME (DOCKET NO. 71)**

This matter comes before the Court on Defendants' Motion to Issue a Clarification of the Opinion and Discovery Order Dated November 16, 2007 filed on December 10, 2007. (Docket nos. 66, 71). Plaintiff filed a Response on January 3, 2008. (Docket no. 74). This matter is now ready for ruling. Fed. R. Civ. P. 60(a); E.D. Mich. LR 7.1(e)(1).

Defendant brings this motion asking the Court to clarify the November 16, 2007 Order and/or modify it pursuant to Fed. R. Civ. P. 72(a). To the extent Defendant's Motion seeks to modify the November 16, 2007 Order, it in effect seeks reconsideration of the Order. Defendant's Motion was filed more than ten days after the Order was served, therefore Defendant's Motion with regard to the request to modify is untimely. *See* Fed. R. Civ. P. 72(a); E.D. Mich. LR 7.1(g)(1). The Court will deny Defendant's request to modify the November 16, 2007 Order.

The Court ordered "that Defendant Kresch will complete his deposition testimony by December 5, 2007 with the remainder of the deposition not to exceed one hour as follows: . . . (3) answer pursuant to the existing protective order regarding the entities and individuals to whom he

refers calls to his MY CHILD toll free numbers.” (Docket no. 66 at 11). The Court clarifies the Order by stating that “the entities and individuals to whom” means entities and/or individuals outside Defendant Kresch’s place of business. “[C]alls” means any and/or all callers and/or calls made to Defendant Kresch’s MY CHILD toll free numbers, the substance of which calls includes but is not limited to inquiries regarding pre-litigation and pre-suit matters, claims (potential and actual) and lawsuits (potential and actual), whether or not resulting in a referral fee, legal claim or lawsuit. As set forth in the November 16, 2007 Order, this information is relevant to the claims and/or defenses of the parties including liability issues and is discoverable. Fed. R. Civ. P. 26(b)(1).

IT IS THEREFORE ORDERED that Defendant’s Motion to Issue a Clarification of the Opinion and Discovery Order (docket no. 66) is GRANTED in part and DENIED in part. (Docket no. 71). Defendant’s request to modify the November 16, 2007 Order is DENIED for the reasons set forth above. Defendant’s request to clarify the November 16, 2007 Order is GRANTED and the Order is clarified as set forth above.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: January 11, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: January 11, 2008

s/ Lisa C. Bartlett
Courtroom Deputy